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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,821	04/25/2001	Fernando Ortega Rodriguez	Q64009	6105

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EXAMINER

BELIVEAU, SCOTT E

ART UNIT PAPER NUMBER

2614

DATE MAILED: 02/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/840,821

Applicant(s)

RODRIGUEZ ET AL.

Examiner

Scott Beliveau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Sarraf (US Pat No. 6,574,794).

In consideration of claims 1 and 7, Figure 1 of the reference illustrates a “multi-spot satellite communication system” for implementing the claimed “method” comprising “at least one broadcasting unit” [20] and “at least one user unit” [30] which are “capable of setting up bi-directional communication” [70/71/72/73] with a “satellite” [10]. The “system” is further characterized such that “communication in the uplink direction contains at least one return channel to the satellite” [71/72/73] and the “communication in the “downlink direction” [70] is “suitable for being processed directly by the user unit” [30] by means of a “receiver/decoder device that forms part of said unit” (Col 3, Line 58 – Col 8, Line 44).

Claim 2 is rejected in view of Figure 3 wherein the system comprises “at least one regenerator means” [60] for “multiplexing the communication in the uplink direction” [63] and for “producing a signal in the downlink direction” [70] (Col 5, Lines 54-65).

Claim 3 is rejected wherein the “return channel” [71/72] is “suitable for carrying information generated” in the “broadcasting unit” [20] or in the “user unit” [30] (Figure 1; Col 5, Lines 14-29)

Claims 4 and 5 are rejected wherein the system further comprises a “control unit” [40/50] that is “suitable for performing network control and management functions” and is “suitable for establishing communication with the satellite in the uplink direction and in the downlink direction” [70/73] (Col 4, Lines 23-51; Col 6, Line 40 – Col 7, Line 30).

Claim 6 is rejected wherein the aforementioned “regenerator unit” [60] as shown in Figure 3 comprises “at least one demultiplexing means” [15] for “demultiplexing uplink channels” [71/72/73], “at least one multiplexing means” [63] for “multiplexing information bits to be sent in a channel in the downlink direction” [70] and “at least one formatting means” [64] for “giving format to said channel in the downlink direction in a manner” in accordance with the DVB specification in a “manner that is suitable for being processed directly by a user unit” [30] by “means of a receiver/decoder device” (Figure 5; Col 5, Lines 30 – Col 6, Line 47).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of

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claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

- The Sarraf et al. (US Pat No. 6,175,719) reference discloses a multi-spot-beam satellite system with broadcast and surge capacity capability.
- The Houston et al. (US Pat No. 6,272,317) reference discloses a satellite system for providing both fixed and scanned spot beams.
- The Mobley et al. (US Pat No. 5,708,963) reference discloses a system and apparatus for using satellites for reverse path communications.
- The Avitzour et al. (US Pub. No. 2002/0032003) reference discloses a system and method to facilitate broadband two-way communications using multi-spot satellites. This reference currently comprises prior art under 35 U.S.C. 102 because a translation of the foreign priority papers has not been made of record in accordance with 37 CFR 1.55.
- The Cable et al. (US Pat No. 6,570,859) reference discloses a satellite communication system that is operable to facilitate multi-beam telecommunications.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 703-305-4907.

The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 703-305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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January 31, 2005